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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,057	06/27/2003	Anthonius A.J. De Graaff	0142-0411P	4155
2292 7590 08/24/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER ZHENG, JACKY X	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 08/24/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

Application No.

10/607,057

Applicant(s)

DE GRAAFF ET AL.

Examiner

Jacky X. Zheng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on June 11, 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on June 27, 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is in response to applicant's amendments and remarks filed on June 11, 2007.
2. **Claims 2 and 4** have been amended.
3. **Claim 18** is newly added for consideration.
4. **Claims 1-18** are currently pending.
5. The objection to "DRAWINGS" is withdrawn in view of Applicant's clarification.
6. The rejections under 35 U.S.C. §112, Second Paragraph, to Claims 2 and 4 are withdrawn in view of Applicant's amendments to the claims.

### *Response to Arguments*

7. Applicant's arguments filed on June 11, 2007 have been fully considered but they are not persuasive.
8. In re Applicant's remarks on Page 6, 1<sup>st</sup> paragraphs to 3<sup>rd</sup> paragraph, regarding the rejection made under 35 U.S.C. §103(a) with regard to claim 1 (and identically claims 6 and 17 as indicated by Applicant), Applicant asserts that Searby "*does not discloses the features of the controller is further configured to extract data encoding the preview image from the stream of data, and to write the extracted data to a thumbnail file*"; and further asserts "*Applicants' disclosed related prior art provided on pages 1 and 2 of the specification does not disclose extracting data encoding the preview image and writing the extracted data to a thumbnail file*". Applicants' arguments are fully considered by Examiner, however found to be unpersuasive for at least the following reasons. In

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consideration of Paragraph [005] of the specification, Applicants' admitted that the disclosure of the cited prior art, the limitations of "an initial high-resolution image is held in a high capacity storing unit. The system comprises a small capacity high speed storing unit and is arranged to transfer portions of the initial high-resolution image to the small capacity high speed storing unit a portion at a time, ... image data is down converted ("a preview view image with lower size data") and written to a destination area ("a thumbnail file") for output to the viewing store". Additionally, in consideration of the broad usages of claim language, insufficient descriptions in the claim languages, and lack of *explicit* and *deliberate* definition provided in the specification with regard to the limitation of "thumbnail file", a memory for storing (or to be written to) a "down converted" image data will be an reasonable interpretation of such a broad claim limitation. For at least the reasons set forth above, the rejection made under 35 U.S.C. §103(a) over EP 0589724 (Published on March 30, 1994, hereinafter refer as "Searby") with Applicant's admitted prior art (Application No. 10/607,057) and further in views of Patton et al. (U.S. 6,795,209), Zhou (U.S. Pub. No. 2002/0015447) and Baggs et al. (U.S. Pub. No. 2003/0231801), with regard claim 1 is maintained.

9. In re Applicant's remarks on Page 6, 3<sup>rd</sup> paragraph, with regard to Claims 6 and 17, Applicant asserts that claims 6 and 17 "fails to teach or suggest at least the above-noted features". Applicants' arguments are fully considered, however found to be unpersuasive for at least the identical reasons set forth above. Also, as the rejection of claim 1 is maintained for reasons stated above, the grounds of rejection for claims 6 and

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17, along with the dependent claims are also maintained since applicant has not pointed to the deficiencies of the rejection.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 1-5 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **EP 0589724** (Published on March 30, 1994, hereinafter refer as “**Searby**”) with **Applicant’s admitted prior art** (Application No. 10/607,057) and further in views of **Patton et al. (U.S. 6,795,209)**, **Zhou (U.S. Pub. No. 2002/0015447)** and **Baggs et al. (U.S. Pub. No. 2003/0231801)**.

**With regard to claims 1-5**, the claims are drawn to an image scanning and processing system. Admitted prior art discloses that the limitation of: “checking whether the scan resolution is high enough to show all the detail in critical region”, “operator be able to select certain regions in the scanned images”, and “able to view them at the resolution used to scan the original” **are known** from **EP 0589724 (“Searby”)**, and further discloses that this publication further disclose the limitations such as “electronic image processing system” with “storing unit”, “a viewing store”, “a monitor” for displaying, and image data being “down converted”, then “written to a destination area” performed

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by “the control processor” (*See Specification of instant Application (No. 10,607,057), Paragraphs i.e. [004] & [005]; and Searby, i.e. Figure 1 and Claims 1 and 15).*

Searby does not *explicitly* disclose the limitations of “selection frame” being “resizable” and “movable”.

However, Patton et al. disclose the limitations of having a user interface for making a selection of a interested image, and capable of allowing the selection to be “resizable” and “movable” (*See i.e. Figure 7, and Column 8, lines 38-59).*

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have modified Searby to include the limitations of “selection frame” being “resizable” and “movable” taught by Patton et al. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Searby by the teachings of Patton et al. to include the limitations of “selection frame” being “resizable” and “movable” taught by Patton et al. *for allowing the easier accesses of modification of the images for the customers (See “Background of Invention” in Patton et al.).*

Patton et al. do not *explicitly* disclose the limitations of converting the data format before previewing or being display.

However, Zhou discloses the limitations of converting of data format of the data collected by CCD and converted the data to NTSC format for displaying on the LCD screen (*See Zhou, Paragraph [0040]*).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teachings of Searby and Patton et al. to include the limitations of converting the data format before previewing or being display taught by

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Zhou. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teachings of Searby and Patton et al. by the teachings of Zhou to include the limitations of converting the data format before previewing or being display taught by Zhou, *for proper previewing the image on LCD or TV (See Zhou, Paragraph [0040])*.

Zhou does not *explicitly* disclose the limitations of detection of the “artifacts” associated with preview images.

However, Baggs et al. disclose the limitations of detecting the presence of visual artifacts (*See Baggs et al., i.e. Claims 1, 23 and “Abstract”*).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teachings of Searby, Patton et al., and Zhou to include the limitations of detection of the “artifacts” associated with preview images taught by Baggs et al. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teachings of Searby, Patton et al., and Zhou by the teachings of Baggs et al. to include the limitations of detection of the “artifacts” associated with preview images taught by Baggs et al., *for improving the quality of a digital image of a document (See Baggs et al. Paragraph [0003])*.

12. **With regard to claim 18**, the claim is drawn to the system according to claim 1, further comprising an inkjet print device for printing the preview image and/or the scanned image (*See Patton et al., i.e. Figure 3A, Part 44, a digital output device; column*

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7, lines 29-31, discloses that “the digital output device can also be an inkjet printer such as Hewlett Packard DeskJet 870xi).

13. **Claims 6-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **EP 0589724** (Published on March 30, 1994, hereinafter refer as “**Searby**”) with Applicant’s admitted prior art (Application No. 10/607,057), **Patton et al. (U.S. 6,795,209)**, **Zhou (U.S. Pub. No. 2002/0015447)**, **Baggs et al. (U.S. Pub. No. 2003/0231801)**, and further in views of Ishikawa **(U.S. 2002/0140987)**.

**With regard to Claims 6-16**, the claims are drawn to a method of scanning and processing an image, comprising the identical limitations recited in Claims 1-5 above, and further drawn to the limitation of compressing the image data prior to the conversion of the image data format. Claims 6-16 are rejected under the identical grounds set forth in Claims 1-5 above, and further in view of Ishikawa.

Searby, Patton et al., Zhou, and Baggs et al. do not *explicitly* disclose the limitation of compressing the image data prior to the conversion of the image data format.

However, Ishikawa discloses the limitation of compressing the image data (such as obtained by scanner) prior to the conversion of the image data format, particularly being compressed using “the MH encoding method” first, and then converted to “TIFF-F format” (See Ishikawa, Paragraph [0050]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teachings of Searby, Patton et al., Zhou, and Baggs et al. to include the limitation of compressing the image data prior to the conversion of the

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image data format taught by Ishikawa. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the teachings of Searby, Patton et al., Zhou, and Baggs et al. by the teachings of Ishikawa to include the limitation of compressing the image data prior to the conversion of the image data format taught by Ishikawa, *for the purpose of compatibility (See Ishikawa, Paragraph [0050])*.

14. **With regard to claim 17**, the claim is drawn to a method of selecting a plurality of master files comprising data encoding scanned images, and further having the identical limitations mentioned in the abovementioned claims. The claim is rejected under the identical grounds set forth in the previously mentioned claims (*See the detailed discussions of the claims above*).

#### ***Conclusion***

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

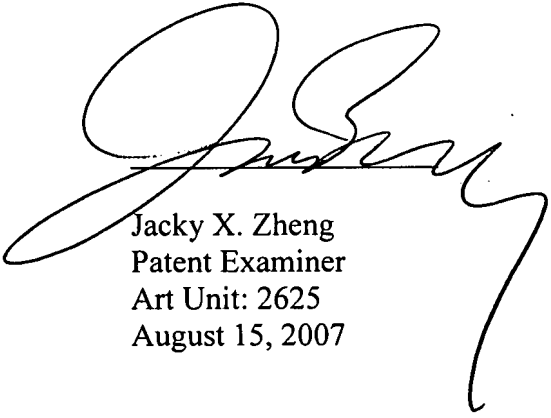
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacky X. Zheng whose telephone number is (571) 270-1122. The examiner can *normally* be reached on Monday-Friday, 7:30 a.m.-5p.m., Alt. Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571) 272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Patent Examiner  
Art Unit: 2625  
August 15, 2007



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